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ABSTRACT

This document presents a conversation between Dr. Clark Kerr, chairman of the Carnegie Commission on Higher Education, and Robert H. Zeffer, a radio newsman. Topics discussed encompass the attitudes of members of boards of trustees, the selection of board members, the role of the chairman of the board, and the role of the board of trustees. (MJM)

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Conversation with Clark Kerr

A conversation between Dr. Clark Kerr, Chairman of the Carnegie Commission on Higher Education, and Robert H. Zeffert, a newsman for radio station KDNA, was recorded in St. Louis, Missouri in October, 1972. Earlier in the day, Dr. Kerr had addressed a group of some 175 trustees, regents and administrators at a conference under the joint sponsorship of the Association of Governing Boards of Universities and Colleges and the Carnegie Commission.

Q. (Mr. Zeffert). I'm going to play sort of devil's advocate but I can do it very naturally since when I was a graduate student I was the devil. I'd like to start out by saying that I really disagree with you about this idea of a disinterested, independent board of trustees; almost like a Supreme Court. You liken it to the Supreme Court. I wonder if you could justify that? Are you saying that they have no interest of their own?

A. (Dr. Kerr). No. You begin by asking what are the alternative ways to provide governance. In answering that question, one assumption one has to make is that when there is some public money involved in the institution there is a public responsibility. As a matter of fact, even private institutions have a public trust. Their charters are given publicly and they get a lot of money at public expense because of tax exemptions.

In most countries of the world, institutions that are operated as public trusts tend to be administered by the government directly. In France, everything is directed from Paris. In Germany, higher education is run by the individual states, by the individual Lander there.

In Britain, starting with a tradition of Oxford and Cambridge, there was an exception – really the faculty administered the public trust. Then came the municipal

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universities in Britain – the so-called "red brick universities;" they were run somewhat like those in the United States but, increasingly in Britain the University Grants Committee, which is a public agency, controls. As a matter of fact, this committee sets the salary rates for every university in Britain and the salaries are identical in all such institutions. Among the major countries of the world, the only other one without heavy-handed government is Japan. Even there, some universities, like Tokyo and Kyoto, are national, but there are also some private ones.

We have a unique system in the United States in that we have boards of trustees between the authority of the state and the campus. This arrangement has given us a more diverse system, which is good from the student point of view because it gives a student more variety in the type of institution he can attend. It has therefore made the system more dynamic than it would be if all universities were run by a governmental agency.

There is no perfect system of governance for any kind of institution. You have to take your choice among the actual possibilities. The American system of independent boards seems to have operated better than systems of the world which are subject to strong, direct governmental control. That's my basic argument.

Q. But, doesn't that immediately raise the question of who sits on the board?

A. Right. There are boards and there are boards; and boards change from one time to another. For example, the board of the University of California changed when Governor Reagan came in as its president and appointed some new members right away. Much depends upon the individual and his or her characteristics – sense of independence, interest, willingness to spend time, and so forth.

I think there should be a nominating process, even for a public board that a governor appoints. In that process, student, faculty and alumni opinion ought to be involved. These three groups will want to nominate people who know something about the institution, are devoted to it and whom they respect. I think it is also important that the board have a variety of opinions and experiences within it. It is helpful to have some academic people from other institutions, helpful to have some women, helpful to have some persons from minority groups. There ought to be pluralism of background within the board. For a public board there ought to be Senate confirmation so a governor can't pick somebody to whom he is indebted for political reasons.

The question is how do you get a good board in terms of its composition? Our (Carnegie) Commission favors having the board made up of interested but independent people. We do not, incidentally, consider a governor to be an independent person. He is not there for

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the sake of the university, he is there because he is governor; he has a responsibility for a budget and he also has his own political career to consider.

Q. Is the chairman of the board of the large corporation disinterested?

A. The comparison is not valid. The corporation is a profit-making institution. We are talking now about non-profit-making institutions – public trusts. The issue is whether, by the nature of his position, a person has a conflict of interest. A governor or the speaker of the state assembly are not independent of state institutions. I also do not think that faculty members and students of the same institution governed by a board of which they are members are independent in the sense of not having a conflict of interest.

Q. Why?

A. For one thing, there is difficulty concerning which faculty member you pick. Does he represent the totality of the faculty? Is the public going to consider him to be impartial about a salary increase, for example? Remember, the purpose of the independent board is to keep away the alternative of direct governmental control. Therefore, you need a board which both has independence and the appearance of independence. The really important thing is who the individual is. There are certain categories that I believe ought to be ruled out because of conflict of interest.

Q. I see. You are saying that the major issue is protection of the university and its operations from governmental interference; that is, from partisan politics; from people using it to get elected.

A. And the threats to academic freedom that are inherent in this situation. I first got involved in academic administration during the Joe McCarthy period when I was a faculty member at Berkeley and, initially, on the committee on privilege and tenure during the controversy over an oath imposed by the Regents. In that controversy, some 50 faculty members were dismissed. I was a member of the committee and later its chairman. After that oath controversy, some said the University of California was finished. It turned out not to be true. But a lot of people worked hard to put the university back together.

Q. My experience has been that the majority of faculty members who are concerned about academic freedom come out of an experience and understanding of the McCarthy period and are most concerned about governmental control or interference.

A. Another group includes those who are refugees from Europe. The most sensitive are the refugees from Italy and Germany in the 1930s; the next most sensitive group is composed of those who went through the Joe McCarthy period.

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Q. Aren't individuals who are going to sit on a board of trustees also framed by their experiences and by their position in life? And, therefore, even as they try to represent the interests of the university, they understand the interest of the university in terms of the objective interests they themselves are experiencing? If one is a corporation president, doesn't he view the university in terms of production and resources?

A. He may. There are different kinds of individuals who are corporation presidents.

Q. That's true. But the predominant position that I've heard described is that students are to be trained for their job in society where they're going to be resources for the society, or for industry or for . . .

A. That's a pretty broad generalization. One of the boards of trustees which has done about as much to protect the quality of academic life as any in the country is the board of trustees at the University of Chicago with many corporation executives and lawyers on it. At certain periods of time, when Dr. Hutchins was there as president, the protection they gave him was magnificent and the way Laird Bell, who was one of the great corporation lawyers of Chicago, stood up during the Joe McCarthy period was a bright spot in American history. That's why the individual is so important.

Q. O.K. But granting that people do bring in their own sort of personal perspectives, I really question that the faculty of a university should not be on the board of trustees.

A. Only the faculty at the particular campus the board governs – remember I made that distinction.

Q. I have heard it argued – and I tend to agree with this – that in decision making – in the governance of a university – there are several groups of interests with variations within them and that there should be enough persons on the board to cover the gradations. There are students, faculty, administrators, and the public.

A. The *publics* – that's plural.

Q. O.K., I'll buy that. And the way in which decisions should be made, rather than finding a group of people who don't represent any of these interests to make decisions, is to put representatives of all interests on the board in order to allow people to really battle it out and come up with decisions that they can all deal with.

A. Then you get into some very, very difficult problems. I prefer an inpartial board that is sensitive to all of these different publics. If you put in equal representation, you have to ask how many students as compared with how many faculty? How do you select the students? How many alumni? How many

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members of the surrounding neighborhood? You get into terrible problems of how many representatives there should be from each group and how you should select them. And how do you get them to report back to their principals? Then you get into a lot of internal questions as to how you are going to govern yourself with coalitions and rules of order, and the like.

Q. Doesn't that come up?

A. It comes up to some extent but it seems to me that while you need all of these sensitivities, if you get people who have the different sensitivities but represent themselves and know something about the institution as well, better decisions will be made with less difficulty. The test of governance is whether good decisions are being made.

At some institutions where they have moved into the representative system you advocate, governance has become just an ideological debate; nothing gets settled. First, one group walks out, then another group walks out. University governance isn't a case of clear-cut democracy. You have a series of "estates" with different interests and different points of view. The faculty estate is quite different from the student estate. Is it better to try to put all of these estates into a great constituent assembly to fight it out? Or, for the sake of the enterprise, is it not better to get some people on the board in whom each of the estates has a degree of confidence? The Supreme Court is not a good analogy because the Supreme Court is supposed to interpret law and this is a group that makes the law.

Q. The Supreme Court makes law.

A. I grant you that, in some cases; but a college or university is a very peculiar institution in having all of these different estates with a real interest. Members of the board all need to work together to make it successful. Also, a board of trustees is peculiar in that it is not like a corporation where there's a test of profits made or of a government where there is a test of who wins 51 per cent of the votes.

Q. But there is a test of satisfaction?

A. Yes, there are a number of tests. An important one is the satisfaction of the participants – faculty and students. That's a short run test. There are also some long run tests: the quality of the institution and how you preserve that.

Q. But, how do you judge? That assumes there is a right position from which to judge.

A. It is hard to be precise about it, but in the academic world some institutions do one thing better and some do another thing better.

Q. But, wouldn't the best way be to judge the satisfaction of all groups who have an interest in the functioning of the university?

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A. There's a lot of talk about accountability and about evaluation of performance statistically – how much, for example, the grade points of students improve at one institution versus another. I think the best *single* test is whether or not the students are satisfied there and whether, also, the faculty is satisfied there. That is the test I would give.

In students and faculty members, you have two very intelligent, perceptive groups of consumers: the judgment of each ought to be respected. We have run surveys of student and faculty opinion. If you take standard ways of rating institutions by quality, you find that students declare themselves more satisfied at a high-quality institution. You might not expect that. Since they have to work harder there and more of them flunk out, then they ought to be more dissatisfied. But, the students all along the line showed greater satisfaction in the higher quality academic institutions. That's one of the reasons I say students are pretty good consumers. They know what they're getting. So, how the students feel and how the faculty feels would be the most important test of all. I wouldn't rely just on one test, but among the multiple tests I would give the greatest weight to that one.

Q. You were concerned (in your talk today) about the purposes of the university, deciding what it is the university should do.

A. Or higher education, which is a little broader than the university.

Q. That is an important area in which the trustees, because they control the resources of the university, have decision-making power. Isn't that really an area where a group of independent people making the decision is unfair?

A. They shouldn't make that decision without a lot of contact with others.

A. But in the end they make it. Supposedly they're responsive to other opinions but, of course, the radicals say that you can't be responsive unless you're responsible.

Q. In the end, they (the trustees) make the decision in consideration of what they will defend and fight for. Some purposes may just grow out of an institution – the trustees may not select them. This is often what really happens. Purpose is what trustees will permit and what they will defend in practice, more than what they choose in a kind of frontal way.

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